

EXHIBIT B.4

Yasser Arafat's Responsibility for Terror Attacks (Rebuttal to Robinson Report)

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I incorporate by reference my CV, publications, testimony, and fee information which was provided in my original report.

I. Summary of Opinion

*"We know only one word: jihad, jihad, jihad. When we stopped the intifada, we did not stop the jihad for the establishment of a Palestinian State whose capital is Jerusalem. And we are now entering the phase of the great jihad prior to the establishment of an independent Palestinian State whose capital is Jerusalem."*¹

-Yasser Arafat

The purpose of this opinion paper is to demonstrate that Yasser Arafat, President of the Palestinian National Assembly (PNA), Chairman of the Palestinian Liberation Organization (PLO), and senior leader of the Fatah political party, bears direct responsibility for the terror² attacks against Israeli and American civilians that occurred during the Second Intifada, resulting in the death and wounding of hundreds of innocent civilians. President Arafat either directly orchestrated the terror attacks, or encouraged others to commit the terror attacks. In either case, given his supreme leadership role associated with the Palestinian people, Arafat bears direct legal responsibility for the murders and injury. While portraying himself to the civilized world as a beacon of "peace" and denouncing "terrorism," the objective reality is that Yasser Arafat worked tirelessly to promote and encourage brutal acts of murder by means of terrorism in order to achieve personal and political goals.³

¹ *In the Words of Arafat*, N.Y. Times, Aug. 4, 1997.

² See generally John F. Murphy, THE CONTROL OF INTERNATIONAL TERRORISM, in NATIONAL SECURITY LAW, 458-461, (John Norton Moore & Robert F. Turner eds., 2005). There is no international definition of terrorism. Numerous attempts have been made over the years to develop an international definition for the term. The best came from former Secretary General of the United Nations, Kofi Annan. See Serge Schmemmann, *Man in the News: UN's Candid Reshaper Kofi Atta Annan*, N. Y. TIMES, Oct. 13, 2001, available at <http://www.nytimes.com/2001/10/13/international/13ANNA.html>. Echoing the Geneva Conventions' definition of a war crime, in 2005 Annan offered the following definition of terrorism to the General Assembly:

[A]ny action constitutes terrorism if it is intended to cause death or serious bodily harm to civilians or non-combatants, with the purpose of intimidating a population or compelling a government or an international organization to do or abstain from doing any act.

³ Jak Phillips, *Top 10 Nobel Prize Controversies, Yasser Arafat*, Time Magazine, Oct. 7, 2011.

II. History of Yasser Arafat and the PLO

*“Struggle, struggle, struggle, struggle. Combat, combat, combat, combat. Jihad, jihad, jihad, jihad.”*⁴

-Yasser Arafat

A. Arafat Capitalized on Fatah Influence to Ascend to Leadership in the PLO

Before Arafat was elected as Chairman of the PLO, he established the Fatah party.⁵ At the time, Fatah was one of several guerilla/militant organizations that engaged in violence and terrorist attacks which they termed as an “armed struggle,” but which in reality was primarily focused on the murder of innocent civilians and not engaging in combat with Israeli military or police. In fact, Fatah criticized the PLO for being too docile in regards to Israel.⁶ In March 1968, a meeting took place between the PLO, Fatah, and the Popular Front for the Liberation of Palestine (PFLP), which resulted in the merging of these organizations. As a result of this merger, the Fatah and the PFLP would be given 50 of the PLO’s 100-seat National Council.⁷ Hence, the PLO now became an organization that was heavily influenced by militants bent of the use of illegal violence. In turn, the PLO needed a charismatic leader who viewed terror tactics as a valid tool to improve the Palestinians’ negotiating position, but also had the political skills to deal effectively with the international community and its mantra of nonviolence and peace.⁸ Arafat was just that – a shrewd leader who at his very core readily embraced the use of terrorism and guerilla tactics but also understood the need to portray the PLO as acting in accordance with United Nations principles of peace and nonviolence.⁹ Chairman Arafat was now part of the means to bring about the so-called liberation of Palestine. In 1969, Yasser Arafat was elected as the Chairman of the PLO.¹⁰

⁴ *Yasser Arafat Calls for Jihad, Struggle, and Combat*, Palestinian Media Watch, Oct. 21, 1996, (Media clip from Official Palestinian TV available at: palwatch.org/main.aspx?fi=711&fld_id=5253).

⁵ U.S. Congressional Research Service, *The PLO and Its Factions*, CRS RS21235, Kenneth Katzman, (2002).

⁶ Rashid Hamid, *What is the PLO?*, 4 *Journal Of Palestinian Studies* 4 (1975), at 99.

⁷ *Id.*

⁸ See generally Hamid, *supra* note 6.

⁹ See U.N. CHARTER art. 1; U.N. CHARTER art. 2, para. 3; U.N. CHARTER art. 2, para. 4. The maintenance of international peace and security is, in fact, the very purpose of the United Nations. No nation may resort to the “threat or [the] use of force against the territorial integrity or political independence of any State” to settle any form of dispute. This, and the clear prohibition in Article 1 against any nation committing “acts of aggression or other breaches of the peace,” creates a legal framework dedicated to curtailing unlawful aggression.

¹⁰ Foreign Terrorist Organizations (FTOs) are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (INA). The organization must engage in terrorist activity, as defined in section 212 (a)(3)(B) of the INA (8 U.S.C. § 1182(a)(3)(B)), or terrorism, as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. § 2656f(d)(2)), or retain the capability and intent to engage in terrorist activity or terrorism.

B. Despite Merger with PLO, Fatah Continued To Engage in Terrorism

Fatah, now under the umbrella of the PLO, continued to use violent attacks against innocent civilians, even though Fatah purported formally to renounce “armed struggle” in accordance with the 1993 Oslo Accords.¹¹ In fact, three terrorist organizations developed from the roots of Fatah: (1) Al-Aqsa Martyrs’ Brigades; (2) Force 17; and (3) Tanzim militia.¹²

The Al-Aqsa Martyrs’ Brigades is designated by the U.S. State Department as a foreign terrorist organization (FTO).¹³ The Al-Aqsa Martyrs’ Brigade, which emerged in 2000 at the time of the Second Intifada, operated with horrific violence against civilians during the Second Intifada.¹⁴ Their goal was to use violence against civilians to force Israel to bend to Palestinian demands in “peace” talks.¹⁵

Force 17 was commonly known as the PLO leadership’s personal security force.¹⁶ Not only was Force 17 involved in attacks on Israeli targets, but Force 17 was also responsible for attacks against anti-PLO Palestinians.¹⁷ Although the peak of terrorist activity from Force 17 was in the early 1980’s, alumni of Force 17’s active years have gone on to commit other acts of terrorism. Such is the case of the late Imad Fa’iz Mughniyah.¹⁸ On the top of the FBI’s most wanted list prior to September 11, 2001, Mughniyah was responsible for the killing of Americans as well as Israelis in the 1980’s and early 1990’s.¹⁹ Mughniyah’s shining achievement was his high rank in Hezbollah, a designated FTO that has a long list of terror attacks against Israelis and Americans.²⁰

The Tanzim militia is also an armed offshoot of Fatah, established in 1995 by Arafat and the Fatah leadership as a paramilitary force. The Tanzim militia was intended to offset the power of other Palestinian Islamist groups, particularly Hamas and Palestine Islamic Jihad.²¹ The Tanzim militia functions as a grass roots organization that operates at the community level, and, by taking a hard-line position toward Israel, it has helped siphon Palestinian support from the Islamist groups.²² Tanzim has been linked to several mortar attacks on Israeli settlements.²³

¹¹ U.S. Congressional Research Service, *Fatah and Hamas: the New Palestinian Factional Reality*, CRS RS22395, Aaron Pina, (2006).

¹² *Id.* at 4.

¹³ *Id.* See also U.S. State Department Website “List of FTO’s”.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *A Deadly Trail of Attacks*, The Wash. Post, Feb. 14, 2008.

¹⁹ *Id.*

²⁰ *Id.*

²¹ U.S. Congressional Research Service, *The PLO and Its Factions*, CRS RS21235, Kenneth Katzman, (2002), at 5.

²² *Id.*

²³ *Id.*

III. Totalitarian Leadership of Yasser Arafat.

“The [Palestinian National Assembly - PNA] council had not been elected, so this amounted to a granting of absolute power to the PLO pending the holding of elections. Not only did the chairman of the PLO become the president of the PNA, he was also its prime minister, the commander of the armed forces and president of the legislative council, and had the power to appoint, promote and fire members of the judiciary. The executive, legislative, and judicial powers of the PNA were thus vested in the person of Yasser Arafat or subordinated to PLO bodies over which he presided. It amounted to installing a one-man, one-party system.”²⁴

-Said Aburish, Arafat’s Biographer

In Oslo, Norway, the location of the 1993 Oslo Accords, the Israelis conceded a matter of paramount importance to Yasser Arafat. Israel recognized the Palestinian National Authority (PNA) as the sole legitimate representative of the Palestinian people, with Arafat as the head.²⁵ This was the culmination of many years of effort on the part of Yasser Arafat, who was for all practical purposes a dictator with dictatorial powers over the Palestinian people. Indeed, he was a mastermind of manipulation, equally able to play to the stage of the international community or the “Arab streets.” But one example of this was the “walk-out” episode staged by Arafat at the initial 1994 Cairo Agreement, which would later buttress Oslo.²⁶ After agreeing with the Israeli prime minister on the specific terms, Arafat created a scene by walking-out in the full presence of the international media which had gathered in great force to witness the official signing ceremony.²⁷ By doing so, Arafat resolved two issues in his favor. First, by entering the talks (and ultimately signing an agreement) he had strengthened the narrative of working for a negotiated peace to the Israelis, Egyptians, and Americans (this took international pressure off of him while providing continued financial support and respect from the world). On the other hand, his ceremonious walk-out was for consumption by the Palestinian people – demonstrating that he was unwilling to bend to the Israelis.²⁸

Like all totalitarian dictators, Arafat was primarily concerned with achieving and maintaining power. By engaging in duplicitous conduct, Arafat was able to juggle competing and antithetical objectives in a constant effort to maintain power and force concessions from Israel. Accordingly, when it came to fending off accusations that he failed to combat terrorism, Arafat would maintain with a straight face that he was doing everything in his power to fight it.²⁹ His efforts to portray his sense of helplessness included circular arguments claiming that Israeli attacks on those responsible for terrorism destroyed the very forces he could have used to crack down on terrorism!³⁰

²⁴ Said K. Aburish, *Arafat: From Defender to Dictator* (1998).

²⁵ Yasser Arafat: Architect of Terror, <http://www.mideastnewswire.com/yaser-arafat-architect-of-terror>.

²⁶ *A Chosen Course*, The Wash. Times, Oct. 30, 2000.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Council on Foreign Relations, *Terrorism Havens: Palestinian Authority*, (2006).

³⁰ *Id.*

American administrative reports during Arafat's tenure, produced to evaluate the PLO's compliance with its commitments, consistently found that factions associated with the PLO encouraged or participated in illegal violence against civilians in Israel.³¹ Despite the repeated claims by apologists for Arafat stating that he had no control or influence over terror groups like the Al-Aqsa Martyrs' Brigade, an organization that proudly claimed responsibility for suicide bombings against Israeli citizens in the Second Intifada, it is clear that Arafat bears responsibility. For instance, in 2002, an Al-Aqsa Martyrs' Brigade commander admitted that Arafat controlled the brigade and they were part of Fatah.³² A *USA Today* newspaper interview with commander Maslama Thabet reported:

A leader of the largest Palestinian terrorist group spearheading suicide bombings and other attacks against Israel says he is following the orders of Palestinian leader Yasser Arafat. 'Our group is an integral part of Fatah,' says Maslama Thabet.³³

Again, along with six other Palestinian terror groups, the Al-Aqsa Martyrs' Brigade was and remains on the list of designated FTOs, by the U.S. State Department.³⁴

Even if one gives some consideration to the false claim that President Yasser Arafat could not control the terror attacks during the Second Intifada, the sheer duration of time that passed during the violence (2000 to 2005) is dispositive. This is not the case of some spontaneous limited acts of terrorism over a short period of time by some crazed individuals. The continuous acts of massive murders against innocent civilians by means of terror attacks lasted for years, with Arafat's full knowledge. When asked about Arafat's knowledge and involvement of the attacks committed by the Al-Aqsa Martyrs' Brigade, Hussein A-Sheikh, a Fatah leader, acted as if he were insulted. A-Sheikh scoffed at the newspaper reporter posing the question: "Of course, there is control. What do you think? That we are just a bunch of gangs?"³⁵ Indeed, in order to believe that Arafat had no control over the groups that conducted the terror attacks, one must also believe that Arafat acquiesced to insubordination in his organization and relinquished to other groups a large portion of the power system he worked so hard to craft for himself. Arafat was not a figurehead leader; he was a brutal, totalitarian leader.³⁶ Again, Arafat was the President of the PNA, the Chairman of the PLO, and the senior leader of the political party Fatah.

³¹ U.S. Congressional Research Service, *Terrorism: Near Eastern Groups and State Sponsors*, CRS RL31119, Kenneth Katzman, (2002), at 23 [hereinafter CRS 2002].

³² Matthew Kalman, *Terrorist Says Orders Come from Arafat*, *USA Today*, Mar. 14, 2002, available at: <http://usatoday30.usatoday.com/news/world/2002/03/14/usat-brigades.htm> [hereinafter Kalman 2002].

³³ *Id.*

³⁴ U.S. State Department, *Country Reports on Terrorism 2012*, (May 30, 2013). Retrieved from: <http://www.state.gov/j/ct/rls/crt/2012/209989.htm> (Last Viewed Aug. 22, 2013).

³⁵ See Kalman 2002, *supra* note 32, at 2

³⁶ Official Palestinian Authority TV, *Arafat to Kids: Child-Martyr is Role Model*, Aug. 4, 2003, Available at: <http://www.youtube.com/watch?v=tuveNFq7WSQ>; See also, Official Palestinian Authority TV, *Palestinian MP Dahlan: Arafat deceived the world when condemning terror*, July 22, 2009, Available at: <http://www.youtube.com/watch?v=lr3-Vileiew>.

IV. Responsibility for Terror Attacks

*"I am going to start the [Second] Intifada. They want me to betray the Palestinian cause. They want me to give up on our principles, and I will not do so."*³⁷

-Yasser Arafat

There can be no question but that President Yasser Arafat was a master of duplicity and political expediency. Not only is there direct and circumstantial evidence that Arafat orchestrated terror attacks, he utilized the local media which operated under his control to allow others to incite violence and intimidation in order to improve Arafat's negotiating position with the Israelis.³⁸

In 1988, the PLO formally renounced the use of terrorism, and it reaffirmed that commitment as part of its September 1993 Oslo Accords associated with the mutual recognition agreement with Israel.³⁹ Nevertheless, terrorism under Arafat continued. A 2012 United States Congressional Research Service Report claims that "since Oslo in 1993, these groups [Palestinian terror organizations] have engaged in a variety of methods of violence, killing approximately 1,350 Israelis (over 900 civilians – including Jewish settlers in the Palestinian territories – and 450 security force personnel)."⁴⁰ The report goes on to say that "although damage is difficult to measure qualitatively, suicide bombings have constituted a fearsome means of attack claiming approximately 700 Israeli lives (mostly civilians within Israel proper)."⁴¹ Most of these attacks and fatalities occurred during or just before the Second Intifada spanning the years of 2000-2005.⁴²

An overview of the so-called "peace" process with Arafat reveals a pattern of duplicity on the part of Arafat:

- The Oslo Accords (1993) - Arafat agrees to cooperate with Israel to combat terrorism.
- Gaza Jericho Agreement (1994) - Arafat again agrees that Palestinians would act to prevent terror against Israelis in the areas under their control. In exchange, 5,000 Palestinian prisoners were released.
- Oslo II (1995) - Arafat agrees to continue on with the Oslo Accords and his promise to combat terrorism. In exchange Israeli forces withdraw from the six largest cities in the West Bank.
- Hebron Accord (1997) - Terrorism continues, and Israel transfers control of the West Bank City of Hebron.

³⁷ Suha Arafat Admits Husband Premeditated Intifada, The Jerusalem Post, Dec. 12, 2012.

³⁸ See *infra* note 57 and accompanying text.

³⁹ See CRS 2002, *supra* note 31, at 22.

⁴⁰ U.S. Congressional Research Service, *The Palestinians: Background and U.S. Relations*, CRS RS34074, Jim Zanotti, (2012).

⁴¹ *Id.* at 12.

⁴² *Id.*

- Wye River Memorandum (1998) - In the face of increased violence and terrorism, attempts are made to make good on the promises made in Oslo. Again, Arafat agrees to combat terrorism, arrest those responsible and collect weapons and explosives. In exchange, Israel agrees to pull back from an additional 13% of the West Bank and allow an airport to be built in Gaza.
- The Camp David Summit (2000) - yet another failed attempt to initiate peace by means of the Clinton White House. Arafat refuses to sign.
- The Taba Talks (2001) - Both parties claimed to have made significant progress towards an agreement, however no agreement is met. The Palestinian intifada cycle of violence escalates.⁴³

The above outline reveals that there are two constants in the list of peace talks – protracted violence and a lack of peace. While there are clearly two parties involved and violence has been committed on both sides, the issue concerns the intentional (not collateral) use of violence directly aimed at murdering innocent civilians.⁴⁴ President Arafat and the PNA have no justification in the use of terror tactics. Murdering innocent civilians is not part of negotiations toward peace.⁴⁵

⁴³ PBS Frontline, *Shattered Dreams of Peace: The Road from Oslo – The Negotiations*, Jun. 27, 2002, Available at: <http://www.pbs.org/wgbh/pages/frontline/shows/oslo/negotiations>.

⁴⁴ See Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Pub. L. No. 107-56, 115 Stat. 272 (2001).

International terrorism involves violent acts or acts dangerous to human life that violate the criminal laws of the United States or any state, or that would be a criminal violation if committed within the jurisdiction of the United States or any state. These acts appear intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation to coercion, or affect the conduct of a government by assassination or kidnapping. International terrorist acts occur outside the United States or transcend national boundaries in terms of how terrorists accomplish them, the persons they appear intended to coerce or intimidate, or the place in which the perpetrators operate.

⁴⁵ See, e.g., 28 C.F.R. §0.85 (2010) (asserting that there are numerous Federal statutes that offer slightly different definitions of terrorism). The Department of Justice defines terrorism as “the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.” *Id.*

(1) the term “international terrorism” means activities that—

(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.

In fact, there are numerous findings by the United States Congress in concurrent resolutions and bills that directly link President Yasser Arafat and the Palestinian Authority to terrorism and the murder of civilians. Gathering all the pertinent facts, the United States Congress specifically found that Yasser Arafat and the forces directly under his control were responsible for the murder of hundreds of innocent Israelis and the wounding of thousands more.⁴⁶ Furthermore, Arafat was directly implicated in funding and supporting terrorists who had claimed responsibility for homicide bombings in Israel.⁴⁷ A list of pertinent Congressional Resolutions and Bills illustrates the point:

- (1) House Concurrent Resolution 426 of the 106 Congress (October 25, 2000), Concerning the Violence in the Middle East,⁴⁸ (passed by a vote of 365-30)⁴⁹ made specific findings and conclusions:

The fact that Chairman Yasser Arafat pledged in writing that: “[T]he PLO renounces the use of terrorism and other acts of violence, and will assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators.”⁵⁰

The fact that “over 95 percent of the Palestinian population [is] under the civil administration of the Palestinian Authority.”⁵¹

The fact that “the Palestinian Authority with the assistance of Israel and the international community, created a strong police force, almost twice the number allowed under the Oslo Accords, specifically to maintain public order.”⁵²

The fact that “the Palestinian leadership not only did too little for too long to control the violence, but in fact encouraged it.”⁵³

“*Resolved* by the House of Representatives (the Senate concurring), That the Congress – (1) expresses, its solidarity with the state and the people of Israel at this time of crisis; (2) condemns the Palestinian leadership for encouraging the violence and doing so little for so long to stop it, resulting in senseless loss of life; (3) calls upon the Palestinian leadership to refrain from any exhortations to the public incitement, urges Palestinian leadership to vigorously use its security forces to act immediately to stop all violence, to show respect for all holy sites, and to settle all grievances through negotiations.”⁵⁴

⁴⁶ H.R. 4693, 107th Cong. (2002).

⁴⁷ *Id.*

⁴⁸ H.R. 426, 106th Cong. (2000).

⁴⁹ Congressional Research Service Issue Brief for Congress, *Palestinians and Middle East Peace: Issues for the United States*, CRS IB92052, Clyde Mark, (2005), at 7.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

- (2) Senate Bill 684 of the 108th Congress (March 21, 2003), Koby Mandell Act of 2003,⁵⁵ made specific findings and conclusions:

The fact that “[n]umerous American citizens have been murdered or maimed by terrorists around the world, including more than 100 murdered since 1968 in terrorist attacks occurring in Israel or in territories administered by Israel or in territories administered by the Palestinian Authority.”⁵⁶

The fact that “[t]his situation is especially grave in the areas administered by the Palestinian Authority, because many terrorists involved in the murders of Americans are walking free from there; some of these terrorists have been given positions in the Palestinian Authority security forces or other official Palestinian Authority agencies; and a number of schools, streets, and other public sites have been named in honor of terrorists who were involved in the murders of Americans.”⁵⁷

- (3) House Concurrent Resolution 202 of the 107th Congress (July 27, 2001), Condemning the Palestinian Authority and Various Palestinian Organizations for Using Children as Soldiers and Inciting Children to Acts of Violence and War,⁵⁸ made specific findings and conclusions:

The fact that “the Palestinian Authority established and trained units, called the Fatah Youth cadres, of ‘Shabiba,’ to fight in the current ‘Intifada.’”⁵⁹

The fact that “the Palestinian national media have encouraged children to become martyrs.”⁶⁰

The fact that “the Palestinian Authority has incited and continues to incite its children to acts of violence against Israel and promotes the martyrdom of children.”⁶¹

The fact that “Yasir Arafat has called Palestinian children, ‘generals of the Intifada’ and those ‘who throw the stones to defend Jerusalem, the Muslims, and the holy places.’”⁶²

The fact that “Sheik Ikrima Sabri, the Mufti of Jerusalem appointed by Yasir Arafat, stated that, ‘the younger the martyr, the greater and the more I respect Him.’”⁶³

⁵⁴ *Id.*

⁵⁵ S. 684, 108th Cong. (2003).

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ H. Res. 202, 107th Cong. (2001).

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

The fact that “during the summer of 2000, approximately 25,000 Palestinian children attended military-style summer camps run by Yasir Arafat’s Palestinian Liberation Organization Fatah Movement to indoctrinate them in anti-Israeli militancy.”⁶⁴

The fact that “the American Academy of pediatrics states that ‘governments that encourage or permit children to participate in violence, to further political aims, are practicing a form of societal abuse.’”⁶⁵

“*Resolved* by the House of Representatives (the Senate concurring), That Congress: (1) considers the Palestinian Authority in violation of the principles embodied in the United Nations convention on the Rights of the Child (1989) for its use of children as soldiers as soldiers and inciting children to acts of violence and war; (2) strongly urges Palestinian Council to immediately declare its commitment to the United Nations Convention on the rights of the Child and adopt legislation to implement the Convention as soon as possible; (3) while reaffirming the continued applicability of all existing prohibitions, restrictions, limitations, and directives otherwise apply to the Palestinian Authority.”⁶⁶

- (4) United States House of Representatives in Resolution 392 of the 107th Congress (May 2, 2002) ⁶⁷ (passed by a vote of 352-21),⁶⁸ made specific findings and conclusions:

The fact that “Yasir Arafat and the members of the Palestinian leadership have failed to abide by their commitments to non-violence made in the Israel-PLO Declaration of Principles (the ‘Oslo accord’) of September 1993, including their pledges: (1) to adhere strictly to a ‘peaceful resolution of the conflict,’ (2) to resolve ‘all outstanding issues relating to permanent status through negotiations,’ (3) to renounce ‘the use of terrorism and other acts of violence,’ and (4) to ‘assume responsibility over all PLO elements and personnel in order to assure their compliance [with the commitment to nonviolence], prevent violence, and discipline violators.’”

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.* The Tulkarm Women’s Union has urged Yasir Arafat “to issue instructions to your police force to stop sending innocent children to their death; and Carol Bellamy, the Executive director of the United Nations Children’s Fund, has called on the Palestinian Authority, “to take energetic measures to discourage those underage from participating in any violent action because such action places them at risk.”

⁶⁷ H. Res. 392 (2002).

⁶⁸ Congressional Research Service Issue Brief for Congress, *Palestinians and Middle East Peace: Issues for the United States*, CRS IB92052, Clyde Mark, (2005), at 7.

The fact that “the continued terrorism and incitement committed and supported by official arms of the Palestinian Authority are a direct violation of these commitments.”⁶⁹

The fact that “the al-Aqsa Martyrs Brigades, which is a part of Arafat’s Fatah organization and has been designated a “Foreign Terrorist Organization” by the United States Government, and other Fatah forces have murdered scores of innocent Israelis.”⁷⁰

The fact that “forces under Yasir Arafat’s direct control were involved in the Palestinian Authority’s thwarted attempt to obtain 50 tons of offensive weapons shipped from Iran in the Karines-A, an effort that irrefutable proved Arafat’s embrace of the use and escalation of violence.”⁷¹

The fact that “the Israeli Government has documents found in the offices of the Palestinian Authority that demonstrate the crucial financial support the Palestinian Authority continues to provide for terrorist acts, including suicide bombers.”⁷²

The fact that “Yasir Arafat continues to incite terror by, for example, saying of the Passover suicide bomber [April 2002], ‘Oh God, give me a martyrdom like this.’”⁷³

The fact that “Yasir Arafat and the PLO have a long history of making and breaking anti-terrorism pledges.”⁷⁴

“*Resolved*, That the House of Representatives – ... condemns the ongoing support of terror by Yasir Arafat and other members of the Palestinian leadership [and] demands that the Palestinian Authority at last fulfill its commitment to dismantle the terrorist infrastructure in the Palestinian areas, including any such infrastructure associated with PLO and Palestinian Authority entities tied directly with Yasir Arafat.”⁷⁵

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

- (5) House Bill 4693 of the 107th Congress (May 9, 2002), To Hold Accountable the Palestine Liberation Organization and the Palestinian Authority, and for Other Purposes, *aka*, ‘Arafat Accountability Act’,⁷⁶ made specific findings:

The fact that “Yasser Arafat and the forces directly under his control are responsible for the murder of hundreds of innocent Israelis and the wounding of thousands more since October 2000.”⁷⁷

The fact that “Yasser Arafat has also been directly implicated in funding and supporting terrorists who have claimed responsibility for homicide bombings in Israel.”⁷⁸

- (6) House Concurrent Resolution 119 of the 108th Congress (March 26, 2003), Condemning Attacks on United States Citizens by Palestinian Terrorists, and Other Purposes,⁷⁹ made specific findings:

The fact that “since Yasser Arafat renounced violence in the Oslo Peace Accords on September 13, 1993, at least 38 United States citizens, including one unborn child, have been murdered by Palestinian terrorists.”⁸⁰

Finally, while President Yasser Arafat was extremely careful to conceal his involvement in promoting and advocating terror, the following quotes from Arafat and those close to him illustrate his advocacy and ultimate responsibility for terror attacks against innocent civilians:

- (1) In 1996 Arafat spoke at a rally near Bethlehem saying: “*We know only one word, Jihad. Jihad. Jihad. Jihad. Whoever does not like it can drink from the Dead Sea or from the Sea of Gaza.*”⁸¹
- (2) Again in Bethlehem at a speech in 1996, Arafat said: “*Struggle, struggle, struggle, struggle. Combat, combat, combat, combat. Jihad, jihad, jihad, jihad.*”⁸²

⁷⁶ H.R. 4693, 107th Cong. (2002).

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ H. Con. Res. 119, 108th Cong. (2003).

⁸⁰ *Id.*

⁸¹ *Yasser Arafat's Timeline of Terror*, Committee for Accuracy in Middle East Reporting in America, (2004). Available at: http://www.camera.org/index.aspx?context=7&x_issue=11&x_article=795, Last visited: Aug. 22, 2013.

⁸² *Yasser Arafat Calls for Jihad, Struggle, and Combat*, Palestinian Media Watch, Oct. 21, 1996, (Media clip from Official Palestinian TV available at: palwatch.org/main.aspx?fi=711&fld_id=5253).

- (3) In 1997 Arafat spoke at a rally saying: *“O my dear ones on the occupied lands, relatives and friends throughout Palestine and the diaspora, my colleagues in struggle and in arms, my colleagues in struggle and in jihad Intensify the revolution and the blessed intifada We must burn the ground under the feet of our invaders.”*⁸³
- (4) In a 1997 letter to the Conference of Businessmen for Jerusalem, Arafat wrote: *“The settlements [Israeli] are a declaration of total war against the Palestinian people, an open and destructive war against our people, our land, and our holy places. The Israeli settlements on our land, in our Jerusalem and in the rest of the West Bank are a war against the peace process.”*⁸⁴
- (5) In 1996, Arafat publicly honored the Hamas terrorist Yahya Ayyash, known as the “the engineer” and organizer of many suicide bombings against civilians: *“Today, I ask of you, my brothers, to recite the Opening [Chapter in the Quran] for all our Martyrs, and the last among them, the Martyr, engineer Yahya Ayyash.”*⁸⁵
- (6) Suha Arafat, the widow of Yasser Arafat, when interviewed on Dubai TV in 2012, in reference to Yasser’s involvement in the Second Intifada: *“I met him in Paris upon his return ... Camp David had failed, and he said to me, ‘You should remain in Paris.’ I asked him why, and he said, ‘Because I am going to start an intifada. They want me to betray the Palestinian cause. They want me to give up on our principles, and I will not do so.”*⁸⁶
- (7) In 2010 Palestinian Authority TV interview with Muhammad Dahlan, a member of the Fatah Central Committee, Dahlan said: *“In the intifada, when Arafat wanted something, he asked his security services, 40% of which were either killed, Shahids (Martyrs) or prisoners..... Arafat brought about the intifada..... We [the PLO and PA security services] are the ones who started it.”*⁸⁷
- (8) Muhammad Dahlan also stated in 2009: *“I lived with Chairman Yasser Arafat for years. Arafat would condemn [terror] operations by day while at night he would do honorable things.”*⁸⁸

⁸³ Yasser Arafat’s Timeline of Terror, Committee for Accuracy in Middle East Reporting in America, (2004). Available at: http://www.camera.org/index.asp?x_context=7&x_issue=11&x_article=795, Last visited: Aug. 22, 2013.

⁸⁴ *In the Words of Arafat*, N.Y. Times, Aug. 4, 1997.

⁸⁵ *Arafat Honors Ayyash, “The Engineer,” Hamas’ Organizer of Suicide Bombings*, Palestinian Media Watch, Jan. 7, 1996, (Private Recording available at: <http://www.youtube.com/watch?v=pZKxHMTaiMg>).

⁸⁶ *Suha Arafat Admits Husband Premeditated Intifada*, The Jerusalem Post, Dec. 12, 2012.

⁸⁷ *Senior Fatah Leader: Arafat and Fatah Started the Intifada*, Palestinian Media Watch, Sept. 28, 2010, PA TV (Fatah) transcript available at: http://palwatch.org/main.aspx?fi=157&doc_id=5875.

⁸⁸ *Dahlan: Arafat Deceived the World When Condemning Terror*, Palestinian Media Watch, July. 22, 2009, PA TV (Fatah) transcript available at: http://palwatch.org/main.aspx?fi=157&doc_id=5875

- (9) Mazen Izz Al-Din, the Deputy Director of the PA's Political and National Education Authority, when asked about the responsibility for the terror campaign, admitted: *"The Al-Aqsa Intifada – if we want to be truthful and open, history will reveal one day – that it [the Second Intifada] and all its directives belong to the President and Supreme Commander, Yasser Arafat."*⁸⁹
- (10) The PA Minister of Prisoners, Ashraf Al-Ajrami, stated: *"Even this intifada, who's flag Hamas has tried to wave unjustly, forcibly, falsely and fraudulently – that [intifada] flag belongs to Yasser Arafat alone ... These [Palestinian Authority security] forces paid the heavy price in the Second Intifada."*⁹⁰
- (11) Sultan Abu Al Einein, Fatah Secretary General in Lebanon stated: *"Yasser Arafat used to condemn Martyrdom operations. He used to condemn these operations in very severe terms, but at the same time, it is clearly determined that the Martyr Yasser Arafat financed these military operations."*⁹¹
- (12) Yasser Arafat: *"We know only one word: jihad, jihad, jihad. When we stopped the intifada, we did not stop the jihad for the establishment of a Palestinian State whose capital is Jerusalem. And we are now entering the phase of the great jihad prior to the establishment of an independent Palestinian state whose capital is Jerusalem."*⁹²
- (13) Maslama Thabet, Palestinian terrorist group leader said: *"He is following the orders of Palestinian leader Yasser Arafat. Our group is an integral part of Fatah. Fatah, headed by Arafat, is the largest group in the Palestinian Authority. Our commander is Yasser Arafat himself."*⁹³
- (14) Mohammed Odwan, Arafat's foreign media spokesman, confirms: *"[T]he brigade i is loyal to President Arafat. They are working for the interests of the Palestinian people and they are fighting because they think these types of operations will push forward their independence and dream of freedom."*⁹⁴
- (15) In a televised address Arafat urged Palestinians to *"sacrifice themselves as martyrs in Jihad for Palestine."*⁹⁵

⁸⁹ *Arafat Planned and Led the Intifada: Testimonies from PA leaders and Others*, Palestinian Media Watch, May 28, 2002, PA TV (Fatah) quote available at: http://palwatch.org/main.aspx?fi=157&doc_id=5875.

⁹⁰ *Arafat Planned and Led the Intifada: Testimonies from PA Leaders and Others*, Palestinian Media Watch, June 19, 2009, PA TV (Fatah) quote available at: http://palwatch.org/main.aspx?fi=157&doc_id=5875.

⁹¹ *Arafat Planned and Led the Intifada: Testimonies from PA Leaders and Others*, Palestinian Media Watch, April 6, 2009, Al-Quds, quote available at: http://palwatch.org/main.aspx?fi=157&doc_id=5875.

⁹² *In the Words of Arafat*, N.Y. Times, Aug. 4, 1997.

⁹³ *Terrorist Says Orders Come from Arafat*, USA Today, March 14, 2002.

⁹⁴ *Id.*

(16) Yasir Arafat has called Palestinian children “*generals of the Intifada, and those who throw the stones to defend Jerusalem, the Muslims, and the holy places.*”⁹⁶

These words uttered from President Yasser Arafat, his widow, and members of his inner governmental leadership circle, speak volumes about his responsibility for the deaths of innocent civilians during the Second Intifada. As the President of the PNA he bears direct responsibility for directing and inciting violence.

V. Finances of the PLO and Arafat

*“[W]hile Arafat bought stability and shored up his own position of leadership, he also bought terrorism, corruption and a continuing struggle against Israel.”*⁹⁷

-Ambassador Edward S. Walker, Jr.

Not surprisingly, President Arafat was engaged in massive corruption when it came to receiving and paying out money associated with the functions of government. Following the money trail reveals that PNA’s finances and Yasser Arafat’s personal funds were so intertwined that there was apparently no distinction.⁹⁸ How Arafat used the money to promote terror, is best summed up by Ambassador Edward S. Walker, Jr., president of the Middle East Institute, former assistant Secretary of State for Near East Affairs, and former U.S. ambassador to Israel and Egypt. Ambassador Walker related that “while Arafat bought stability and shored up his own position of leadership, he also bought terrorism, corruption and a continuing struggle against Israel.”⁹⁹ Walker also endorses the claim that “according to Palestinians who sat in on decisive meetings with Arafat, it was Arafat’s design and money that triggered and sustained the intifada after Camp David failure, not the visit of Ariel Sharon to the Temple Mount.”¹⁰⁰

In 2003 (during the Second Intifada), the Arafat/PLO fortune was estimated by *Forbes* magazine to be \$300 million in hidden offshore accounts alone.¹⁰¹ The *Forbes* piece further concluded the obvious: “Money keeps Arafat in power ... [pertaining to] much of the \$5.5 billion in international aid that has flowed into the PA since 1994, he appears to have overseen virtually all disbursements, from \$600 payments to alleged terrorists and \$1,500 in ‘tuition’ for security officers, to \$10 million, reportedly paid by a company controlled by friends of Arafat, for a 50-ton shipment of weapons from Iran.”¹⁰²

⁹⁵ *Id.*

⁹⁶ H. Res. 202, 107th Cong. (2001).

⁹⁷ Claude Salhani, *Show Me the Money*, The Wash. Times, Nov. 21, 2004, Available at: <http://www.washingtontimes.com/news/2004/nov/21/20041121-105705-7259r/print>, Last visited: Aug. 19, 2013.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Nathan Vardi, *Auditing Arafat*, *Forbes* Magazine, Mar. 17, 2003, Available at: <http://www.forbes.com/forbes/2003/0317/049.html>, Last visited: Aug. 22, 2013.

¹⁰² *Id.*

Of course, the \$5.5 billion dollar question is where did this Arafat-controlled aid money go? One recipient was the Al-Aqsa Martyrs' Brigade, a designated FTO, who received salaries from this money, including a senior leader of the brigade – Nasser Awes.¹⁰³

VI. Conclusion

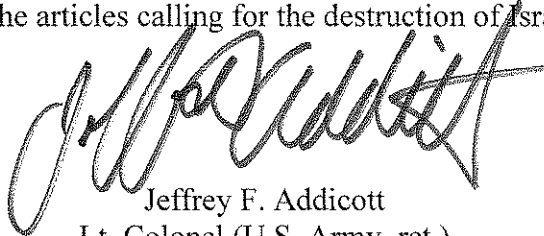
“Right before I left office, Arafat, in one of our last conversations, thanked me for all my efforts and told me what a great man I was. “Mr. Chairman,” I replied, “I am not a great man. I am a failure, and you have made me one.” I warned Arafat that he was single-handedly electing Sharon and that he would reap the whirlwind.”¹⁰⁴

-President Bill Clinton

Yasser Arafat was the President of the Palestinian National Authority and recognized leader of the Palestinian people. At the time of the Second Intifada, the Arafat and his PNA controlled 95% of the Palestinian people, had operational control over a robust Palestinian police force almost twice the size allowed for in the Oslo Accords, and maintained absolute control over the media. There is no question that in this capacity he financed, planned, and oversaw the murders of hundreds of innocent civilians in Israel during the Second Intifada. Fortunately, since his death in 2004, a conclusive number of those in Arafat's senior leadership have now spoken out, assigning direct responsibility for the horrific terror attacks against civilians in Israel during the Second Intifada to President Yasser Arafat.

Amazingly, despite the simple facts and the application of common sense to those facts, apologists for Yasser Arafat still maintain the false narrative that all the many acts of terrorism during the Second Intifada came entirely from “rogue” Palestinian terrorist factions which were beyond Arafat's command and control. Again, the facts of the matter speak otherwise.

A final note: President Yasser Arafat never attempted to annul or disavow the Palestinian Charter with respect to the articles calling for the destruction of Israel.¹⁰⁵



Jeffrey F. Addicott
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¹⁰³ See Kalman 2002, *supra* note 32, at 2.

¹⁰⁴ Bill Clinton, *My Life*, (2005) (Former President Bill Clinton on Arafat's refusal to sign a peace agreement at the Camp David Summit).

¹⁰⁵ *Palestinian Incitement: The Real 'Deal Breaker'*, 5 Israel Journal of Foreign Affairs 1, (2011), at 50.